

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JAMES CARTER )  
 )  
v. ) Civil Action No. 3:10-0058  
 ) Judge Campbell/Knowles  
RICKY BELL<sup>1</sup>, ET AL. )

REPORT AND RECOMMENDATION

The undersigned previously entered an Order on September 1, 2010 (Docket Entry No. 65), requiring Plaintiff to file with the Court a written explanation showing cause for his failure to serve Defendant within 120 days after the filing of the Complaint pursuant to Fed.R.Civ.P. 4(m). The Order required Plaintiff to file such explanation within twenty (20) days of the date of entry of the Order, and it also stated in pertinent part, "If Plaintiff fails to comply with the provisions of this Order, the undersigned will recommend that this action be dismissed without prejudice."

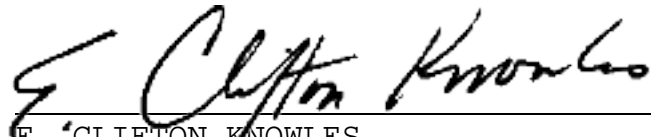
As of the date of the filing of this Report and Recommendation, Plaintiff has failed to comply with the Court's previous Order. Therefore, the undersigned recommends that this action be dismissed as to defendant, Jason Kruse, without prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure,

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<sup>1</sup> Defendants Ricky Bell and George Little have been dismissed from this action by the Order entered by Judge Campbell on September 27, 2010.

any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

  
E. CLIFTON KNOWLES  
United States Magistrate Judge